

Exhibit 8

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Somerville Public Schools, et al.,

Plaintiffs,

v.

Donald J. Trump, et al.,

Defendants.

**Civil Case No.
1:25-cv-10677**

DECLARATION OF KATHERINE NEAS

1. I, Katherine Neas, am over the age of eighteen, have personal knowledge of the matters stated herein, and am competent to testify thereto.
2. I currently serve as the Chief Executive Officer of The Arc of the United States (The Arc). I have served in this position since January 2024.
3. The Arc is the largest national community-based organization advocating for and with people with intellectual and developmental disabilities (IDD) and serving them and their families.
4. I began my career as Legislative Assistant to Senator Tom Harkin and the U.S. Senate Subcommittee on Disability Policy, where I worked on the landmark Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act (IDEA). I then served as the Associate Director of the Association of University Centers on Disabilities, where I promoted research, education, and service initiatives to improve the lives of people with intellectual and developmental disabilities (IDD) and their families. Following that, I spent 23 years working at

Easterseals, a national nonprofit that provides direct services to children and adults with disabilities and their families. I held various leadership roles, including Senior Vice President of Government Relations, where I advocated for federal and state policies and programs that benefit people with disabilities and managed the Easterseals Office of Public Affairs.

5. Finally, prior to my current position, I was appointed by President Joe Biden to serve as the Deputy Assistant Secretary and Acting Assistant Secretary in the Office of Special Education and Rehabilitative Services at the U.S. Department of Education (OSERS). I served in this role from July 2021 to November 2023. In this role, I advised U.S. Education Secretary Miguel Cardona on matters related to the education of children and adults with disabilities and led efforts to support community living, improve education and employment outcomes, and break barriers and stigma for all people with disabilities.

The Office of Special Education and Rehabilitative Services at the U.S. Department of Education

6. As Acting Assistant Secretary of OSERS, I oversaw approximately 200 staff implementing the work of the OSERS as a whole, including the Office of the Assistant Secretary (OAS), which provides support and direction for the entire office, the Office of Special Education Programs (OSEP), which administers the Individuals with Disabilities Education Act (IDEA), and the Rehabilitation Services Administration (RSA), which oversees and administers the vocational rehabilitation programs to support job training and support services for youth and adults with disabilities. OSERS as a whole administers multiple programs, and directs, coordinates, and recommends policy for programs that are designed to:

- Meet the needs and develop the full potential of children with disabilities through the provision of special educational programs and related services.
- Reduce dependency and enhance the productive capabilities of persons with

disabilities through the provision of independent living and vocational rehabilitation services.

- Increase knowledge about, foster innovation in, and improve the delivery of services for persons with disabilities through the performance of rehabilitative and special education research and demonstration activities.
- Disseminate information about services, programs, and laws affecting persons with disabilities.

7. OSERS is under the supervision of the Assistant Secretary for Special Education and Rehabilitative Services and the Secretary of Education. The Assistant Secretary serves as the principal adviser to the Secretary on Departmental matters related to special education and rehabilitative services and provides overall direction, coordination and leadership to OAS, OSEP, and RSA.

8. OSEP is dedicated to improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts. The Individuals with Disabilities Education Act (IDEA) authorizes formula grants to states and discretionary grants to institutions of higher education and other non-profit organizations to support research, demonstrations, technology and personnel development and parent-training and information centers.

9. OSEP distributes over \$15 billion annually in IDEA formula grants to support early intervention (birth to age 2), preschool, K-12 education, and services through age 21 (for students with disabilities who have not earned a regular diploma) through IDEA Parts B and C.

10. OSEP also distributes \$257 million in discretionary grants under IDEA Part D.

11. OSEP also provides significant technical assistance to states (and through them, to subgrantees, such as schools); monitors the states to ensure that they comply with the law, including

through reviewing reports, site visits, and other engagement, and as needed, enforces consequences when states do not follow the law.

12. RSA provides leadership and resources to assist state and other agencies in providing vocational rehabilitation and other services to individuals with disabilities to maximize their employment, independence and integration into the community and the competitive labor market. RSA also administers programs under the Vocational Rehabilitation Act and the Randolph-Sheppard Act.

13. As Acting Assistant Secretary in OSERS, I was ultimately responsible for all aspects of IDEA implementation. This included overseeing the OSERS staff as they manage the full cycle of the IDEA funding, technical assistance, data collection, and the compliance and performance monitoring process. For example, this work included: overseeing the OSERS staff as they worked with states to support states as they submitted their applications for the annual formula grants, which is by far the largest IDEA funding stream, and with other applicants for discretionary grants; overseeing the OSERS staff as they managed the fund disbursement process; overseeing the OSERS staff as they continuously engaged with states grantees, schools, administrators, parents, and other stakeholders to provide technical assistance and to ensure that the funds were reaching the right place and being spent properly; overseeing the OSERS staff as they worked with states to conduct the statutorily required data collection; and overseeing the OSERS staff as they worked to ensure that states were able to meet legal requirements.

14. At a practical level, this work required OSERS staff to perform essential tasks.

15. For formula grants under IDEA (which are the largest sources of IDEA funding and go to the states), states are required to submit an application every year that includes a variety of information, such as an assurance of how the state will ensure that schools will provide the statutorily required free and appropriate public education, complaint resolution procedures, plans

for parent involvement, services for students in private schools, and more. OSERS staff work closely with states through an iterative and cooperative process to support and assist states to develop and provide this information.¹ This staff work is essential for states to be able to submit applications that include the necessary information by the required deadlines.

16. OSERS staff also work closely with states (and through them, school districts) to help assess performance on key indicators throughout the cycle of the IDEA grant.

17. When I served in the Department of Education, the timelines for this process were very tight. Typically, each year, states must submit applications to OSERS in the spring; the Department must fully process the applications and then disburse the first funds by July 1 and the second funds by October 1. States must then make subgrants to school districts (and other grantees) very quickly so that schools have funds before the school year starts and they must pay their bills.

18. Throughout the Fiscal Year, states relied on OSERS staff for technical assistance to quickly answer questions about appropriate and effective uses of funds. This technical assistance was provided in one-on-one phone calls with knowledgeable and experienced staff, through emails, and sometimes questions were complicated enough or occurred frequently enough that OSERS staff would create frequently asked questions documents, webinars, or other written technical assistance.

19. This process (and especially the timely operation of this process) depends on the experienced, knowledgeable career OSERS staff who had built up their expertise and institutional knowledge over their years of service. If that technical assistance were not available to states, or were not provided as effectively or as quickly, there would have been delays in the states' ability to submit their application, or to appropriately and effectively spend the funds that they have been given. For

¹ These are two examples of written technical assistance that OSERS provided to states on the application process from when I was Acting Assistant Secretary: <https://sites.ed.gov/idea/files/Grants-Part-B-FFY-2023-Instructions.pdf> and <https://sites.ed.gov/idea/files/Grants-Part-B-FFY-2023-Procedures-for-Receiving-a-Grant-Award.pdf>.

example, the expertise of the OSERS staff allows them to identify errors in a state's initial application and provide guidance and support for states to correct those errors and therefore receive their funds in a timely manner. These errors—if uncorrected—could result in a student not receiving the services to which they are entitled.

20. States are also required by statute to provide data about their implementation of the IDEA funds, such as the number of students served under IDEA in the state, the kinds of services they need and were provided with, and the number of educators needed (including the number of special education teachers). This data is collected and analyzed through an iterative process with OSERS staff and states (and the school district subgrantees), which OSERS staff then use to form the basis of the Department's Annual Report to Congress.

21. I understand that key staff in OSERS have been fired. In particular, the entire career staff of the Office of the Assistant Secretary, except for one person, was fired. This includes all the policy staff who provide this technical assistance and guidance to states and schools about appropriate and effective uses of funds; the communications staff who ensure that this information is understandable to states and schools and communicated effectively; and all of the staff who perform the data collection and analysis.

22. In my experience, without these staff, there would inevitably be significant delays and/or errors in distributing IDEA funds to states and other grantees.

Harms to students, parents, educators, and schools

23. The Arc is a national non-profit membership organization located in Washington, DC.

24. The mission of The Arc is to promote and protect the human rights of people with IDD and actively support their full inclusion and participation in the community throughout their lifetimes.

25. The Arc engages in public policy and legal advocacy and develops programs to support people with IDD to learn, live, participate in recreational activities, and work in their communities, with the supports they need to thrive.

26. The Arc serves people with IDD both directly and through nationwide affiliated member chapters.

27. The Arc has over 600 member chapters across the country. Each member chapter serves families, many of whom have school-aged children who are students with IDD.

28. As Chief Executive Officer of The Arc, I oversee the daily operations of the organization.

29. It is central to the mission of The Arc to ensure that students with disabilities receive the supports and services they need to make progress and receive a “free appropriate public education” (FAPE), to ensure they have equal access to their education as their non-disabled peers, and to ensure they are not subjected to unnecessary segregation.

30. The Arc’s position statement on education states: “All children and youth with intellectual and developmental disabilities must receive a free appropriate public education (FAPE) that includes fair evaluation, ambitious goals, challenging objectives, the right to progress, individualized supports and services, high quality instruction, and access to the general education curriculum in age-appropriate inclusive settings.”²

31. Historically, The Arc and our chapters have led the way in groundbreaking litigation, such as *PARC v. Pennsylvania*, which established that students with disabilities have a constitutional right to a public education, and in supporting legislation, such as the Individuals with Disabilities Education Act (IDEA), ensuring that students with IDD have the right to attend school and receive

² The Arc Position Statements: Education (March 4, 2024), <https://thearc.org/position-statements/education/>.

the educational supports they need to thrive. This work also helped lead to the establishment of the U.S. Department of Education to ensure the rights of children with disabilities and other students were overseen and protected at the federal level.

32. Throughout its history, The Arc has engaged in educational advocacy for students and families in school districts across the United States. Over the years, this work has involved:

- Engaging in policy and advocacy to ensure that students with disabilities receive the supports they need in the most integrated setting appropriate in their neighborhood schools, and mobilizing our constituents as needed for this work. The Arc also engages in legal advocacy, including litigation and amicus briefs pertaining to the rights of students with disabilities in jurisdictions around the country.
- Co-chairing the Consortium for Citizens with Disabilities Education Task Force, which works to ensure that the educational needs of children with disabilities and their families are being met through early intervention, k-12, and higher education.³ The task force advocates for proper funding, implementation, and oversight of established programs and works to ensure that evolving approaches to education, such as school choice (including “vouchers”), provide the same rights and protections that students with disabilities have under existing civil rights and education laws.
- Developing and delivering trainings to families and schools on special education individualized education programs (IEPs), “Section 504” plans, behavior plans, and due process hearings through The Arc @ School program.⁴

33. Ensuring that students with disabilities receive a FAPE, receive equal access to their

³ See Consortium for Constituents with Disabilities Tasks Force, Education (last visited March 17, 2025), https://www.c-c-d.org/rubriques.php?rub=taskforce.php&id_task=2.

⁴ The Arc@School (last visited March 17, 2025), <https://thearcatschool.org>.

education as their non-disabled peers, and are not subjected to unnecessary segregation is central to The Arc's mission. Members of The Arc rely on IDEA funding provided by the Office of Special Education and Rehabilitative Services to obtain vital services that allow them to fully access public education and receive FAPE. Members risk losing access to those services and other critical programs without adequate staffing in OSERS.

34. The Arc's chapter, AdvocacyDenver, is an example of how our chapters rely on the technical assistance, information, support, and civil rights enforcement provided by the U.S. Department of Education.

35. AdvocacyDenver is a non-profit organization that serves children, youth, and adults with IDD and their families. The organization provides access and support in the areas of education, health care, legal services, housing, transportation, and employment.

36. Parents of children with disabilities who reside in Denver or whose child attends a Denver public school are eligible for support through AdvocacyDenver's Child and Family Advocates program. These advocates work with families of children who are identified as having a disability under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act.

37. Denver Public Schools is the largest school district in Colorado with 207 schools (traditional, charter, innovation and alternative) and an enrollment of approximately 90,452 students; 14% of the students are identified as having a disability and eligible for services under the IDEA.

38. AdvocacyDenver's Child and Family Advocates program currently serves 412 clients, all of whom are families of students with disabilities, and overall, provides individual advocacy or technical assistance to over 1,000 families. Advocates work with families to resolve issues at the lowest level working first with the school team, school and district leadership.

39. AdvocacyDenver and families look to the U.S. Department of Education to monitor

the Colorado Department of Education's compliance with federal rules for implementing the IDEA. Every year the U.S. Department of Education identifies areas of improvement for the Colorado Department of Education with respect to implementing the IDEA, and the Colorado Department then takes steps to correct procedures and demonstrate compliance with federal obligations.

40. AdvocacyDenver, its clients, and all of the families it serves, rely on IDEA funds, as well as the effective technical assistance and support from the U.S. Department of Education to spend those funds appropriately. It is unclear how these funds would be distributed to the state (or whether it would be distributed on time) if those functions were to be transferred away from the U.S. Department of Education. It is also not clear how the state---and therefore the school districts and ultimately students and families---will be affected if the U.S. Department of Education is not able to provide the same monitoring, technical assistance, and support that the Department's expert staff currently provide. IDEA funds have always flowed through the Colorado Department of Education to the school districts.

41. Likewise, the gutting of the U.S. Department of Education's Office for Civil Rights (OCR) removes a critical enforcement mechanism that allows members of The Arc to vindicate their rights under Section 504 of the Rehabilitation Act and the Americans with Disabilities Act by filing a complaint with OCR.

42. AdvocacyDenver's experience is a case in point. AdvocacyDenver regularly supports clients in filing disability discrimination complaints with OCR. OCR offers critical resolution processes in cases involving individual students. The resolution process allows the parties to reach agreement—the agreement then is reduced to writing and is legally binding. The resolution procedures allow issues to be resolved in a timely manner, and in fact the process frequently helps to restore the working relationship between the family and the school and school district.

43. OCR is the only agency that accepts and investigates allegations that a school or

school district violated Section 504 of the Rehabilitation Act. For AdvocacyDenver, and the families it works with, if OCR is less effective at this work, they will have no effective avenue outside of formal litigation to demand compliance. Litigation is much slower and does not provide a timely resolution, as well as being expensive, and adversarial and therefore often does not effectively meet the students' and parents' needs. The clients of AdvocacyDenver are typically not in a position to be able to pay for a private non-attorney advocate or a private attorney, which generally costs at least \$350/hour or more for a non-attorney advocate.

44. As of this filing, AdvocacyDenver has a systemic complaint of discrimination based on disability pending with OCR; the complaint was accepted but OCR representatives report that all activities have been placed on hold.

45. AdvocacyDenver is just one example of a chapter of The Arc serving students with disabilities who rely on services and funding from the U.S. Department of Education.

46. Because OCR no longer has adequate staffing to process complaints, members of The Arc will have to let their complaints go unanswered or expend time and money litigating in federal court. OCR complaints allow members of The Arc to obtain relief without having to resort to a costly legal process, ensuring greater accountability for school districts.

47. The dismantling of the U.S. Department of Education will have a devastating impact on The Arc's members, people with IDD and their families. The weakening of federal oversight over special education and civil rights monitoring in schools threatens to take us back to a dark time in our nation's history when students with disabilities were largely excluded from school, without rights or recourse.

I, Katherine Neas, declare under penalty of perjury that the foregoing is true and correct.

Executed on March 31, 2025



Katherine Neas
Katherine Neas
CEO, The Arc of the United States